

GLUCK DANIEL ATKINSON LLP

Craig C. Daniel (State Bar No. 212588)
201 Mission Street, Suite 1330
San Francisco, CA 94104
Telephone: (415) 510-2509
Email: litigation@gluckdaniel.com

REID COLLINS & TSAI LLP

Angela J. Somers (admitted *pro hac vice*)
Jeffrey E. Gross (admitted *pro hac vice*)
Minyao Wang (admitted *pro hac vice*)
420 Lexington Avenue, Suite 2731
New York, NY 10170
Telephone: (212) 344-5200
Facsimile: (212) 344-5299
Email: asomers@reidcollins.com
jgross@reidcollins.com
mwang@reidcollins.com

*Special Counsel for Plaintiffs Cedric de Lisser,
Christopher Moser, and Michael Michelin, in their
capacity as the Trustees of the Cred Liquidation
Trust*

QUINN EMANUEL URQUHART SULLIVAN LLP

Michael B. Carlinsky (admitted *pro hac vice*)
michaelcarlinsky@quinnemanuel.com
Renita N. Sharma (admitted *pro hac vice*)
renitasharma@quinnemanuel.com
51 Madison Ave., 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Facsimile: (212) 849-7100

Terry L. Wit (SBN 233473)
terrywit@quinnemanuel.com
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

Eric D. Winston (SBN 202407)
ericwinston@quinnemanuel.com
865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
Telephone: (213) 443-3000
Facsimile: (213) 443-3100

*Attorneys for Defendants Lockton Companies LLC and
Lockton Companies LLC – Pacific Series*

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

CEDRIC DE LISSER, CHRISTOPHER MOSER,)
and MICHAEL MICHELIN, in their capacity as)
the Trustees of the Cred Liquidation Trust,)

Plaintiffs,)

v.)

LOCKTON COMPANIES LLC, d/b/a)
LOCKTON INSURANCE BROKERS LLC,)
a Missouri limited liability company; LOCKTON)
COMPANIES, LLC- PACIFIC SERIES, d/b/a)
LOCKTON INSURANCE BROKERS LLC, a)
Missouri limited liability company; and DOES 1-)
10, inclusive.)

Defendants.)

Case No. 3:23-cv-00243-AMO

**[Removal from Superior Court of California,
County of San Francisco, Case No.
CGC-22603638]**

**JOINT STIPULATION REGARDING
PLAINTIFFS' REQUEST FOR LEAVE TO
AMEND FIRST AMENDED COMPLAINT**

State Action Filed: December 22, 2022

1 Plaintiffs Cedric De Lisser, Christopher Moser, and Michael Michelin, in their capacity as the
2 Trustees of the Cred Liquidation Trust (collectively “Plaintiffs”) and Defendants Lockton Companies
3 LLC, d/b/a Lockton Insurance Brokers LLC and Lockton Companies, LLC- Pacific Series, d/b/a Lockton
4 Insurance Brokers LLC, (together “Defendants”), through their respective undersigned counsel, hereby
5 stipulate as follows:

6 WHEREAS, on December 22, 2022, Plaintiffs filed their original Verified Complaint against
7 Defendants in California Superior Court for the County of San Francisco;

8 WHEREAS, on January 9, 2023, Plaintiffs filed their First Amended Verified Complaint;

9 WHEREAS, on January 18, 2023, Defendants removed the action to this Court;

10 WHEREAS, on February 17, 2023, Plaintiffs sought to have the action remanded to state court;

11 WHEREAS, on April 5, 2023, Judge James Donato adjourned the case management conference
12 in this matter pending further order;

13 WHEREAS, Plaintiffs advised Defendants on April 24, 2023 that they intend to seek leave to file
14 a Second Amended Complaint to add certain allegations as set forth in a draft Second Amended
15 Complaint Plaintiffs provided to Defendants, and asked whether Defendants would consent to the filing;

16 WHEREAS, Defendants informed Plaintiffs that, solely in the interest of efficiency and while
17 reserving all rights, Defendants would not oppose Plaintiffs’ request to amend their First Amended
18 Complaint to include the allegations set forth in the draft Second Amended Complaint;

19 WHEREAS, on May 10, 2023, the Executive Committee of this District reassigned the case to
20 Judge Araceli Martinez-Olguin and ordered that a Joint Case Management Statement be filed on or before
21 May 31, 2023;

22 WHEREAS, Plaintiffs believe it is more efficient for the parties to draft the Joint Case
23 Management Statement based on an operative complaint;

24 WHEREAS, by filing their Second Amended Complaint Plaintiffs do not concede that there is
25 federal subject matter jurisdiction and Plaintiffs reiterate that this case should be remanded to state court;

26 WHEREAS, Defendants intend to move to dismiss Plaintiffs’ operative complaint;

1 WHEREAS, the Parties previously stipulated to, and the Court ordered, a briefing schedule for
2 Defendants' anticipated motion to dismiss that would take effect following the Court's order resolving
3 Plaintiffs' motion to remand and/or abstain (ECF No. 18).

4 IT IS HEREBY STIPULATED, by and between Plaintiffs and Defendants, by and through their
5 respective counsel, that:

6 1. Defendants do not oppose Plaintiffs' filing of their Second Amended Complaint, a clean
7 copy and a redline copy of which are attached hereto as Exhibit A and Exhibit B.

8 2. Nothing herein shall be construed as an admission that Plaintiffs admit or concede that
9 there is federal subject matter jurisdiction over the litigation.

10 3. Nothing herein shall be construed as an admission that Defendants admit or concede that
11 Plaintiffs have stated or can state any claim against Defendants. Further, nothing herein shall be
12 construed as an admission that Defendants admit or concede the truth of the allegations set forth in the
13 proposed Second Amended Complaint.

14 4. The stipulated briefing schedule for a motion to dismiss approved by the Court on January
15 30, 2023 (ECF No. 18) remains in effect.

16 Respectfully submitted,

17
18 DATED: May 19, 2023

REID COLLINS & TSAI LLP

19 By: /s/ Angela J. Somers

Angela J. Somers (*admitted pro hac vice*)

asomer@reidcollins.com

Jeffrey E. Gross (*admitted pro hac vice*)

20 jgross@reidcollins.com

21 Minyao Wong (*admitted pro hac vice*)

22 mwang@reidcollins.com

23 420 Lexington Avenue, Suite 2731

24 New York, NY 10170

25 Telephone: (212) 344-5200

26 Facsimile: (212) 344-5299

Craig C. Daniel (SBN 212588)
litigation@gluckdaniel.com
GLUCK DANIEL ATKINSON LLP
201 Mission Street, Suite 1330
San Francisco, CA 94105
Telephone: (415) 510-2509

*Special Counsel to Trustees of the Cred Inc.
Liquidation Trust*

DATED: May19, 2023

**QUINN, EMANUEL, URQUHART &
SULLIVAN LLP**

By: /s/ Terry L. Wit

Terry L. Wit (SBN 233473)
terrywit@quinnemanuel.com
50 California Street, 22nd Floor
San Francisco, CA 94111
Telephone: (415) 875-6600
Facsimile: (415) 875-6700

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Eric D. Winston (SBN 202407)
ericwinston@quinnemanuel.com
865 S. Figueroa St., 10th Floor
Los Angeles, California 90017
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*Attorneys for Defendants Lockton Companies
LLC and Lockton Companies LLC – Pacific
Series, LLC*

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO ORDERED.

SO ORDERED this 25 Day of May, 2023.


UNITED STATES DISTRICT JUDGE